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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,746	05/24/1999	ROBERT L. STEWART	CIS-1219	9501

21005 7590 06/18/2003

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EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/18/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/317,746

Applicant(s)

STEWART ET AL.

Examiner

Isaac M Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-9, 11-14, 18-21, 23 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4, 10, 15-17, 19, 22 and 24-26 is/are ~~withdrawn from consideration~~ canceled.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-9, 11-14, 18-21, 23 and 27-34 is/are rejected.
- 7) ☒ Claim(s) 11-14, 20-21 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This action is in response to Applicant's amendment, filed on April 04, 2003 have been considered but are deemed moot in view of new ground of rejections below.

2. Claims 1, 3, 18, 20, 27 and 28 are amended. Claims 2, 4, 10, 15-17, 19, 22 and 24-26 are canceled and claims 29-34 are newly added. And claims 1, 3, 5-9, 11-14, 18-21, 23 and 27-34 are now pending.

Claim Objections

3. Claims 11-14, 20-21 and 23 are objected to because of improper claim dependencies made by amendments for claims 11-14, 20-21 and 23, as follows:

Claim 10 is canceled but claims 11-14 are still dependent on claim 10, and claim 19 is canceled but claims 20-21 and 23 are still dependent on claim 19. Appropriate correction is required. And as per telephone conversation with Caroline M. Fleming (Reg. No. 45,566) on May 21, 2003, claim 11 is dependent on claim 3 and claim 20 and 23 are dependent on claim 18. And rejections for claims 11-14, 20-21 and 23 are based on dependencies discussed above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5-9, 11-14, 18-21, 23, 27-29 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branton, Jr. et al (U.S. No. 5,870,558, hereinafter, "Branton") in view of Haverstock et al (U.S. Patent No. 6,434,607, hereinafter, "Haverstock").

With respect to claims 1, 18, 27-29 and 31-32, Branton discloses, method, apparatus and computer program for prioritizing a network management request sent by a management station to a managed element, see (col. 4, lines 33-42, col. 7, lines 25-38, col. 12, lines 23-41, col. 13, lines 18-42, 502, FIG. 5), the assigning a priority value to the network management request (col. 12, lines 23-41, col. 13, lines 18-42) received by managed element (NE, network element, FIG. 2, col. 5, lines 32-62), user identifier in a network management wrapper included in the request, the user identifier identifying the user of an application from which the request was sent, see (col. 12, lines 42-65, user is identified (authorized)), scheduling (282, FIG. 2, col. 5, lines 31-45, 502, scheduler, FIG. 5) the network management request by the managed element dependent on the

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assigned priority value, see (1208, FIG. 12, 810, FIG. 8, col.12, lines 4-22, col. 15, lines 21-52, col. 8, lines 1-31). Branton discloses the assigning priority values (col. 12, lines 23-41, col. 13, lines 18-42) and discloses the user or source identifier (col. 12, lines 42-65) discussed above. Branton does not explicitly disclose the assigning priority values based on the user identifier. However, Haverstock discloses the assigning identifier and priority level to user, see (col. 3, lines 35-54), which teaches that the priority value is based on user identification. Therefore, it would have been obvious a person having ordinary skill in the art the time invention was made to combine the assigning priority values based on the user identifier of the system of Haverstock with that of Branton to assign the priority value to the user. Because the priority value dependent on user, can control time-based access order to the network element.

With respect to claims 3, 20 and 33, Branton discloses the adding a priority value to an authentication group comprising user identification, in an authentication table, see (col. 12, lines 23-65).

With respect to claims 5, 21, 23 and 34, Branton discloses the extracting a user identification from the network management request; determining the priority value by using the extracted user identification to index the authentication table, see (col. 12, lines 23-65, col. 13, lines 17-67 to col. 14, lines 1-17).

With respect to claims 6 and 11, Branton discloses the selecting the order of execution of the network management request dependent on the determined priority value, see (col. 12, lines 23-41, col. 13, lines 18-42, FIG. 2, col. 5, lines 31-45, 502, scheduler, FIG. 5).

With respect to claims 7 and 12, Branton discloses that preempting the currently executing task if the determined value for the management request is higher than the currently executing task, see (col. 13, lines 51-67 to col. 14, lines 1-18).

With respect to claims 8-9 and 13-14, Branton discloses the adding a management request to the request queue dependent on priority value, see (col. 13, lines 51-67 to col. 14, lines 1-18).

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Branton, Jr. et al (U.S. No. 5,870,558, hereinafter, "Branton") in view of Haverstock et al (U.S. Patent No. 6,434,607, hereinafter, "Haverstock") further in view of Thompson et al (U.S. Patent No. 6,012,095, hereinafter, "Thompson").

With respect to claim 30, neither Branton nor Haverstock discloses that the message is in the form of a Simple Network Management Request. However, Thompson discloses the Simple Network Management Protocol that a protocol is used network management request, see (FIG. 1, FIG. 3, col. 1, lines 34-64). Therefore, it

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would have been obvious a person having ordinary skill in the art the time invention was made to combine Simple Network Management Request of Thompson with Branton and Haverstock to manage network element. Because the SNMP (Simple Network Management Protocol) is a internet standard network management protocol, defined in STD 15, RFC 1157, developed to manage nodes on an IP network, in network management environment.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen et al (U.S. Patent No. 6,032,183) discloses the system for Simple Network Management Protocol (SNMP) environment to gather updates from its Agents. The system and method comprise the unique provision of an index which is used in each of the Agent's tables for indicating the various revisions thereof. The index lexicographically increases with each revision to the table. The Manager maintains a record of the index of the data which it has received from its Agents, requesting only that data having a lexicographically larger indexing. Further, the index is used in related tables so that the tables will be kept in "sync" in that the Manager will know whether it has the latest updates so that an accurate picture may be portrayed.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

IMW

June 12, 2003

Shahid Al Alam
SHAHID AL ALAM
PATENT EXAMINER
Primary